

Conley Again Taken To Court; Attorney To Urge Hearing Now

Jim Conley, when sensational story helped to convict Leo M. Frank of the murder of Mary Phagan, was taken once more from his cell in the Tower Tuesday to the courthouse. Solicitor Dorsey said he was not sure that Conley's case would be reached.

W. M. Smith, Conley's lawyer, has insisted that his case be settled at once, and will urge Judge Hill to pass sentence or give him a jury trial. It seemed likely Tuesday that the negro would, with his lawyer's consent, have the facts presented to the court and not insist on a jury trial.

Smith had the petitions for trial ready and seemed to think Judge Hill would refuse to hear the case until January—or after the Frank case is disposed of in the Supreme Court.

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**CONLEY
NOT
TO BE
TRIED**

THIS YEAR

**Judge Hill Refuses to
Take Up**

**Negro's Case Until
After the**

**Final Frank
Decision.**

The trial of Jim Conley, sensational witness and half-confessed accessory after the fact in the trial of Leo M. Frank, convicted of the murder of Mary Phagan, was postponed by Judge Ben Hill in the Criminal Court Tuesday until after the Frank case is disposed of.

Judge Hill in refusing to take up the case at the request of the negro's counsel said:

"I shall not take up this case now or permit it to be called. The court is of the opinion that this case should not be taken up until the case against principal perpetrator of the crime is disposed of. So thinking, the court will not call the case."

The court's dictum, of course, is final, and leaves the Conley trial date as problematical as ever. If the Supreme Court should deny Frank a new trial in December, the hearing being set for the 15th, it is a question whether the negro would be tried at the January term, because an appeal to the United States Supreme Court has been talked of.

Might Be Delayed Longer.

If, on the other hand, Frank should get a new trial, Conley's trial is more problematical than ever, for, according to Judge Hill's announcement, it would have to wait on the outcome of Frank's second trial.

W. M. Smith, the negro's lawyer, was in court with two petitions urging immediate trial when Solicitor Dorsey called the case to the attention of the court.

Solicitor Dorsey merely made reference to the fact that Conley had been brought over to the courthouse for trial several times, that the prisoner's counsel was now in court ready for trial, and put it up to the court what action should be taken.

Petitions Admitted to Minutes.

"You have the right to file your petitions," said Judge Hill, "and they will be put in the minutes."

That about concluded the day's proceedings, and Conley was taken back to the cell he has occupied in the Tower since he told his grewsome story at the trial of Luther Rosser and Reuben Arnold. He did not look as if the ordeal was affecting him very

much, in spite of all sorts of reports that he is growing thin and nervous.

His lawyer expressed himself as necessarily content with the course things had taken and hopeful that his client would be brought to trial in January.

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CONLEY CASE TO AWAIT FRANK DECISION

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